

## Senate Amendments to House Concurrent Resolution No. 39

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the resolving clause and inserting in lieu thereof the following:

36 That the following amendments to the Mississippi Constitution of  
37 1890 are proposed to the qualified electors of the state:

38 I.

39 Amend Section 33, Mississippi Constitution of 1890, to read  
40 as follows:

41 "Section 33. (1) The legislative power of this state shall  
42 be vested in a Legislature which shall consist of a Senate and a  
43 House of Representatives, but the people reserve to themselves the  
44 right to exercise the legislative power of the state to propose  
45 new laws and to amend or repeal existing laws by initiative, and  
46 to approve or reject the same in an election independent of the  
47 Legislature, in the manner prescribed in and subject to the  
48 provisions of this section.

49 (2) The initiative process shall not be used:

50 (a) To propose amendments to the Mississippi  
51 Constitution of 1890;

52           (b) To propose any new law or amend or repeal any  
53 existing law relating to the Mississippi Public Employees'  
54 Retirement System;

55           (c) To propose any new law, or amend or repeal any  
56 existing law, on any subject or matter that any section of this  
57 constitution prohibits the Legislature from enacting; or

58           (d) To propose any new law or amend or repeal any  
59 existing law that appropriates funds from the State Treasury.

60           (3) As used in this section, the term "initiative measure"  
61 or "measure" means a document proposing a new law or amending or  
62 repealing an existing law that is the functional equivalent of a  
63 bill that is introduced in the Legislature.

64           (4) An initiative measure shall only propose new laws or  
65 amend or repeal existing laws pertaining and relating to the same  
66 subject or subject matter.

67           (5) The sponsor of an initiative measure shall identify in  
68 the text of the measure the amount and source of revenue required  
69 to implement the measure. If the provisions of an initiative  
70 measure would cause a substantial cost to the state or require the  
71 substantial expenditure of state funds, as determined according to  
72 law by the Legislative Budget Office or any successor agency, the  
73 sponsor also shall provide in the text of the measure for the  
74 specific funding source or mechanism to pay the cost of the  
75 provisions of the measure so that the measure will not result in a  
76 reduction in state funds available for expenditure by the  
77 Legislature. If an initiative measure requires (a) a reduction in

78 any source of government revenue that would cause the amount of  
79 state funds available for expenditure by the Legislature to be  
80 less than the amount of state funds appropriated for the most  
81 recent fiscal year, or (b) requires a reallocation of funding from  
82 currently funded programs, the sponsor shall identify in the text  
83 of the measure the program or programs whose funding must be  
84 reduced or eliminated to implement the measure. Compliance with  
85 the requirements of this subsection shall not be a violation of  
86 the subject matter requirements of subsection (4) of this section.

87 (6) The Chief Legislative Budget Officer shall prepare a  
88 fiscal analysis of each initiative measure, and a summary of each  
89 fiscal analysis shall appear on the ballot.

90 (7) An initiative measure authorized under this section may  
91 be proposed by a petition signed over a twelve-month period by  
92 qualified electors equal in number to at least twelve percent  
93 (12%) of the votes for all candidates for Governor in the last  
94 gubernatorial election. The signatures of the qualified electors  
95 from any congressional district shall not exceed the total number  
96 of signatures required to qualify an initiative measure for  
97 placement on the ballot divided by the number of congressional  
98 districts in existence on the day that the petition is filed. If  
99 an initiative petition contains signatures from a single  
100 congressional district that exceed the total number of required  
101 signatures, the excess number of signatures from that  
102 congressional district shall not be considered by the Secretary of

103 State in determining whether the initiative measure qualifies for  
104 placement on the ballot.

105 (8) The style of all initiative measures shall be: "Be it  
106 enacted by the people of the State of Mississippi."

107 (9) The sufficiency of petitions shall be decided in the  
108 first instance by the Secretary of State, subject to review by the  
109 Supreme Court of the state, which shall have original and  
110 exclusive jurisdiction over all such cases.

111 (10) If an initiative measure is certified by the Secretary  
112 of State not less than ninety (90) days before a statewide general  
113 election, the Secretary of State shall place the initiative  
114 measure on the ballot for that statewide general election. If an  
115 initiative measure is certified by the Secretary of State less  
116 than ninety (90) days before a statewide general election, the  
117 Secretary of State shall place the initiative measure on the  
118 ballot for the next statewide general election occurring after the  
119 upcoming statewide general election.

120 (11) No more than five (5) initiative measures may be  
121 submitted to the voters on a single ballot, and the first five (5)  
122 initiative measures submitted to the Secretary of State with  
123 sufficient petitions shall be the measures that are submitted to  
124 the voters.

125 (12) In order to be approved, an initiative measure must  
126 receive a majority of the votes cast thereon and not less than  
127 forty percent (40%) of the total votes cast at the election at  
128 which the initiative measure was submitted; however, an initiative

129 measure that would be considered as a revenue bill under the Joint  
130 Rules of the Legislature in existence on the day that the  
131 initiative petition is filed must receive sixty percent (60%) of  
132 the votes cast thereon and not less than forty percent (40%) of  
133 the total votes cast at the election at which the initiative  
134 measure was submitted.

135 (13) Initiative measures approved by the people shall not  
136 require the signature of the Governor to become law and shall not  
137 be subject to the veto power of the Governor.

138 (14) If conflicting initiative measures are approved at the  
139 same election, the initiative measure receiving the highest number  
140 of affirmative votes shall prevail and become law.

141 (15) An initiative measure approved by the people shall take  
142 effect thirty (30) days from the date of the official declaration  
143 of the vote by the Secretary of State, unless the measure provides  
144 otherwise.

145 (16) An initiative measure approved by the people shall be  
146 subject to the same process for codification in the same manner as  
147 provided by law for the codification of laws enacted by the  
148 Legislature.

149 (17) If an initiative measure does not receive the required  
150 number of votes to be approved by the people as provided in  
151 subsection (12) of this section, an initiative measure that  
152 proposes the same, or substantially the same, provisions as those  
153 in the initiative measure that failed shall not be submitted to

154 the electors for at least two (2) years after the date of the  
155 election on the initiative measure that failed.

156 (18) An initiative measure approved by the people shall not  
157 be amended by the Legislature to make a substantive change to the  
158 text in the measure, or repealed by the Legislature, for a period  
159 of two (2) years after the initiative measure takes effect.  
160 However, the Legislature may amend or repeal an initiative measure  
161 less than two (2) years after the measure takes effect if the  
162 Legislature determines the existence of an emergency affecting the  
163 public peace, health, safety or financial solvency of the state  
164 that necessitates the amendment or repeal of the initiative  
165 measure, which emergency must be stated in the legislation, and  
166 such amendment or repeal shall require a vote of two-thirds (2/3)  
167 of each house present and voting.

168 (19) The Secretary of State shall implement and maintain a  
169 secure electronic database accessible by the public through the  
170 Secretary of State's website that provides the capability of  
171 search and retrieval of all signatories and circulators of  
172 initiative petitions. The searchable database shall provide the  
173 ability for a member of the public to securely search for his or  
174 her own name to determine if he or she has been listed as a  
175 signatory, to search by the name of any circulator, and to  
176 retrieve the text of the petition that was signed and/or  
177 circulated. The sponsor of an initiative measure shall provide  
178 the Secretary of State with the names of the signatories and  
179 circulators on a regular basis as provided by law. The

180 Legislature shall provide the circumstances and manner in which a  
181 name may be removed from a petition and the database.

182 (20) The Legislature shall enact laws to require the  
183 disclosure of contributions and expenditures for the passage or  
184 defeat of any initiative measure as well as any other disclosures  
185 related to the initiative process as provided by law.

186 (21) The Legislature shall provide by law the manner in  
187 which initiative petitions shall be circulated, presented and  
188 certified. To prevent signature fraud and to maintain the  
189 integrity of the initiative process, the state has a compelling  
190 interest in ensuring that no person shall circulate an initiative  
191 petition or obtain signatures on an initiative petition unless the  
192 person is a resident of this state at the time of circulation.  
193 For the purposes of this subsection, the term "resident" means a  
194 person who is domiciled in Mississippi as evidenced by an intent  
195 to maintain a principal dwelling place in Mississippi indefinitely  
196 and to return to Mississippi if temporarily absent, coupled with  
197 an act or acts consistent with that intent. Every person who  
198 circulates an initiative petition shall print and sign his or her  
199 name on each page of an initiative petition, or on a separate page  
200 attached to each page, certifying that he or she was a resident of  
201 this state at the time of circulating the petition. The Secretary  
202 of State shall refuse to accept for filing any page of an  
203 initiative petition upon which the signatures appearing thereon  
204 were obtained by a person who was not a resident of this state at  
205 the time of circulating the petition, and an initiative measure

206 shall not be placed on the ballot if the Secretary of State  
207 determines that without such signatures the petition clearly bears  
208 an insufficient number of signatures.

209 (22) The Legislature may enact laws to carry out the  
210 provisions of this section, but such laws shall in no way restrict  
211 or impair the provisions of this section or the exercise of the  
212 rights reserved to the people in this section.

213 II.

214 Amend Section 56, Mississippi Constitution of 1890, to read  
215 as follows:

216 "Section 56. The style of the laws of the state that are  
217 enacted by the Legislature shall be: "Be it enacted by the  
218 Legislature of the State of Mississippi."

219 III.

220 Amend Section 61, Mississippi Constitution of 1890, to read  
221 as follows:

222 "Section 61. No law enacted by the Legislature or by  
223 initiative of the people shall be revived or amended by reference  
224 to its title only, but the section or sections, as amended or  
225 revived, shall be inserted at length."

226 IV.

227 Amend Section 72, Mississippi Constitution of 1890, to read  
228 as follows:

229 "Section 72. Every Bill which shall pass both Houses shall  
230 be presented to the Governor of the state. If he approve, he  
231 shall sign it; but if he does not approve, he shall return it,



232 with his objections, to the House in which it originated, which  
233 shall enter the objections at large upon its Journal, and proceed  
234 to reconsider it. If after such reconsideration two-thirds (2/3)  
235 of that House shall agree to pass the Bill, it shall be sent, with  
236 the objections, to the other House, by which, likewise, it shall  
237 be reconsidered; and if approved by two-thirds (2/3) of that  
238 House, it shall become a law; but in all such cases the votes of  
239 both Houses shall be determined by yeas and nays, and the names of  
240 the persons voting for and against the Bill shall be entered on  
241 the Journal of each House respectively. If any Bill shall not be  
242 returned by the Governor within five (5) days (Sundays excepted)  
243 after it has been presented to him, it shall become a law in like  
244 manner as if he had signed it, unless the Legislature, by  
245 adjournment, prevented its return, in which case such Bill shall  
246 be a law unless the Governor shall veto it within fifteen (15)  
247 days (Sundays excepted) after it is presented to him, and such  
248 Bill shall be returned to the Legislature, with his objections,  
249 within three (3) days after the beginning of the next session of  
250 the Legislature. The provisions of this section are not  
251 applicable to initiative measures approved by the people."

252 V.

253 Amend Section 273, Mississippi Constitution of 1890, to read  
254 as follows:

255 "Section 273. \* \* \* Whenever two-thirds (2/3) of each house  
256 of the Legislature, which two-thirds (2/3) shall consist of not  
257 less than a majority of the members elected to each house, shall

258 deem any change, alteration or amendment necessary to this  
259 Constitution, such proposed amendment, change or alteration shall  
260 be read and passed by two-thirds (2/3) vote of each house, as  
261 herein provided; public notice shall then be given by the  
262 Secretary of State at least thirty (30) days preceding an  
263 election, at which the qualified electors shall vote directly for  
264 or against such change, alteration or amendment, and if more than  
265 one (1) amendment shall be submitted at one (1) time, they shall  
266 be submitted in such manner and form that the people may vote for  
267 or against each amendment separately; and, notwithstanding the  
268 division of the Constitution into sections, the Legislature may  
269 provide in its resolution for one or more amendments pertaining  
270 and relating to the same subject or subject matter, and may  
271 provide for one or more amendments to an article of the  
272 Constitution pertaining and relating to the same subject or  
273 subject matter, which may be included in and voted on as one (1)  
274 amendment; and if it shall appear that a majority of the qualified  
275 electors voting directly for or against the same shall have voted  
276 for the proposed change, alteration or amendment, then it shall be  
277 inserted as a part of the Constitution by proclamation of the  
278 Secretary of State certifying that it received the majority vote  
279 required by the Constitution; and the resolution may fix the date  
280 and direct the calling of elections for the purposes hereof."

281 \* \* \*

282 BE IT FURTHER RESOLVED, That this resolution, and the  
283 proposed amendments contained herein, shall be repealed and have  
284 no effect from and after March 1, 2022.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTIONS  
2 33, 56, 61 AND 72, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE  
3 THAT THE PEOPLE RESERVE TO THEMSELVES THE RIGHT TO PROPOSE NEW  
4 LAWS AND TO AMEND OR REPEAL EXISTING LAWS BY INITIATIVE, AND TO  
5 APPROVE OR REJECT THE SAME IN AN ELECTION INDEPENDENT OF THE  
6 LEGISLATURE; TO PROVIDE THAT SUCH AN INITIATIVE MEASURE MAY BE  
7 PROPOSED BY A PETITION SIGNED OVER A TWELVE-MONTH PERIOD BY  
8 QUALIFIED ELECTORS EQUAL IN NUMBER TO AT LEAST TWELVE PERCENT OF  
9 THE VOTES FOR ALL CANDIDATES FOR GOVERNOR IN THE LAST  
10 GUBERNATORIAL ELECTION; TO PROVIDE THAT THE SIGNATURES OF THE  
11 QUALIFIED ELECTORS FROM ANY CONGRESSIONAL DISTRICT SHALL NOT  
12 EXCEED THE TOTAL NUMBER OF SIGNATURES REQUIRED TO QUALIFY AN  
13 INITIATIVE MEASURE FOR PLACEMENT ON THE BALLOT DIVIDED BY THE  
14 NUMBER OF CONGRESSIONAL DISTRICTS IN EXISTENCE ON THE DAY THAT THE  
15 PETITION IS FILED; TO PROVIDE THAT NO MORE THAN FIVE INITIATIVE  
16 MEASURES MAY BE SUBMITTED TO THE VOTERS ON A SINGLE BALLOT, AND  
17 THE FIRST FIVE INITIATIVE MEASURES SUBMITTED TO THE SECRETARY OF  
18 STATE WITH SUFFICIENT PETITIONS SHALL BE THE MEASURES THAT ARE  
19 SUBMITTED TO THE VOTERS; TO PROVIDE THAT IN ORDER TO BE APPROVED,  
20 AN INITIATIVE MEASURE MUST RECEIVE A MAJORITY OF THE VOTES CAST  
21 AND NOT LESS THAN FORTY PERCENT OF THE TOTAL VOTES CAST AT THE  
22 ELECTION AT WHICH THE INITIATIVE MEASURE WAS SUBMITTED; TO PROVIDE  
23 THAT IF CONFLICTING INITIATIVE MEASURES ARE APPROVED AT THE SAME  
24 ELECTION, THE INITIATIVE MEASURE RECEIVING THE HIGHEST NUMBER OF  
25 AFFIRMATIVE VOTES SHALL PREVAIL AND BECOME LAW; TO PROVIDE THAT  
26 THE LEGISLATURE SHALL PROVIDE BY LAW THE MANNER IN WHICH  
27 INITIATIVE PETITIONS SHALL BE CIRCULATED, PRESENTED AND CERTIFIED;  
28 TO PROVIDE THAT THE MISSISSIPPI CONSTITUTION SHALL ONLY BE AMENDED  
29 BY A PROPOSED AMENDMENT BEING PASSED BY TWO-THIRDS VOTE OF EACH  
30 HOUSE OF THE LEGISLATURE AND UPON RECEIVING A MAJORITY VOTE WHEN  
31 PLACED ON THE BALLOT TO BE VOTED UPON BY THE QUALIFIED ELECTORS OF  
32 THE STATE; AND PROPOSING AN AMENDMENT TO SECTION 273, MISSISSIPPI  
33 CONSTITUTION OF 1890, TO DELETE THE PROVISIONS AUTHORIZING  
34 CONSTITUTIONAL AMENDMENTS BY INITIATIVE;

SS26\HC39A.J

Eugene S. Clarke  
Secretary of the Senate